



**MAMMOTH LAKES FIRE PROTECTION DISTRICT
BOARD OF FIRE COMMISSIONERS
MEETING MINUTES
APRIL 16, 2019**

1) CALL TO ORDER – ROLL CALL

The meeting was called to order.

Board of Fire Commissioners present: Chairman of the Board Roger Curry, Vice Chairman of the Board John Mendel, Board members Carole Schilz and Buck Wahl.

Mammoth Lakes Fire Protection District staff present: Fire Chief Frank Frievalt, Division Chiefs Ales Tomaier, Natalie Morrow, and Scott Walker; Firefighters Tyson Kaylor, Gilbert Lucero and Danny Shugart; Administrative Aide Jody Holl.

Legal Counsel present: Rick Liebersbach

Mammoth Lakes Firefighters Association members present: Michael Payne

2) APPROVAL OF MEETING MINUTES

a) **APPROVAL OF MARCH 19, 2019 MEETING MINUTES** – *No changes. Carole Schilz moved to approve, unidentified person seconded the motion and the vote to approve was unanimous.*

b) **APPROVAL OF THE MARCH 29, 2019 SPECIAL MEETING MINUTES** – *Chairman Roger Curry felt that the vote covered the minutes from both the March 19 and March 29 meetings, so the March 29 meeting minutes were also approved.*

3) SPECIAL PRESENTATIONS

a) **Introduction of Caroline Sanderson as the new “Administrative Assistant to the Fire Chief”** – *Caroline was working at Cerro Coso’s Bishop campus on April 16th, so she was not present to be introduced. Chief Frievalt did inform the Board that Caroline had spent a few Sunday afternoons training with Jody Holl.*

4) GENERAL PUBLIC COMMENT – None

5) CONSENT AGENDA – *Chief Frievalt explained that Consent Agenda items are items that don’t require extensive discussion and can generally be voted on all at the same time. Rick Liebersbach was in agreement. There were no Consent Agenda items on the April 16th agenda.*

6) BUDGET

a) **Review 2018/2019 Budget**

i) *Chief Frievalt began the discussion by reviewing property tax trends and associated apportionment payments.*

(1) *He noted that about 97% of MLFD revenue comes from property taxes, and that the money from the tax roll comes primarily from two things: new construction and increased assessed valuation.*

- (2) *Chief Frievalt believes that we can expect a couple more years of tax roll increases before we invariably go into a recession. He believes we're sustainable but should remain cautious.*
- (3) *John Mendel agreed, but also commented that for the last 12 years the budget has only seen about a half a million dollar variation between its peaks and valleys, and that from a planning standpoint we should still plan for \$2.5 to \$3 million for the next three to five years.*
- (4) *Chief Frievalt also stated that when we do experience spikes in revenue, we should look ahead, pay off long-term liability and improve our future cash flow.*
- (5) *Rick Liebersbach asked if Mammoth Mountain's Main Lodge was included in MLFD's jurisdiction, and Chief Frievalt replied, yes. Rick then commented that with the upcoming completion of the land trade, what was previously government land and not producing any taxes, will suddenly generate revenue for MLFD. Chief Frievalt agreed that the situation looked promising, but he didn't want to count on the revenue until the trade had been finalized.*
- ii) *John Mendel asked if there was a more appropriate place for consulting fees to go, other than under Miscellaneous Consulting. He suggested possibly adding a line item for "Operational Consulting." Chief Frievalt explained that he has been hesitant to change the codes in the Chart of Accounts because it makes it difficult to look at budget history. He assured the group that his plan is to reorganize the Chart of Accounts.*
- iii) *Chief Frievalt discussed the reason for the increase in propane costs. MLFD had been underbilled by AmeriGas and took a hit when refilling the tanks. Someone asked if we were under contract with AmeriGas, and Jody Holl replied that she didn't believe we had a contract in place. She stated that when she spoke with AmeriGas, they thought we fell under the TOML contract, but Jody corrected them. She also negotiated a lower price per gallon. John Mendel said that several businesses in town have saved money by changing to Eastern Sierra Propane. He believes that a switch in vendors is something to consider.*
- b) *Review of the 2019/2020 Preliminary Budget*
 - i) *Chief Frievalt stated that there was a 4.1% increase from the 2018/2019 budget based on his projections from last year.*
 - ii) *Chief Frievalt commented that two positions will be filled with new people that will have lower wages, which will help us in the wage category.*
 - iii) *Chief Frievalt increased the budget for health insurance slightly.*
 - iv) *Chief Frievalt increased the budget for CalPERS Retirement, due to a combination of unfunded accrued liability and increases in pension contributions.*
 - v) *Communication & Radio Repairs – Chief Frievalt commented that radio repairs have increased.*
 - vi) *Chief Frievalt explained \$3,000 was taken out of Phones and put under Networking—it was just a line item change. No additional money in the budget.*
 - vii) *Chief Frievalt put a placeholder in the budget for Equipment Check Software*
 - viii) *Prevention and Education - \$3,000 was based on increased plans review. Natalie Morrow commented that MLFD receives a fixed amount according to our fire code, but when plans are sent out to Interwest to review, MLFD's cost goes up.*

- ix) *Training – Chief Frievalt anticipates additional trainings and professional development for new hires and promoted employees.*
- x) *Propane – Chief Frievalt adjusted the amount to reflect the change from \$2.87/gallon to \$2.42/gallon that Jody Holl negotiated with AmeriGas.*
- xi) *Per Chief Frievalt, the big picture is that we're taking care of a lot of the long-term costs, but we still need to catch wages up to the cost of living, and we still need to increase FTEs.*

7) OLD BUSINESS

- a) *Update on Drone Research: Chief Frievalt reported that Scott Walker didn't have any new information since the last Board Meeting.*
- b) *Update on AT&T related work – There was general discussion about the cell tower request and FirstNet.*
- c) *Update on CWPP (Community Wildfire Prevention Plan) – Natalie Morrow reported that Rodrigo from Anchor Point received the last comments from TOML, and the project should be completed within the next few weeks.*
- d) *Public Comments – None*

8) NEW BUSINESS

- a) *Consideration to reintroduce the ballot measure imposing a special tax on all parcels within the District for fire protection services.*
 - i) *Per Chief Frievalt, there is new legislation in the tax law that changes the vote to a simple majority in special districts. He believes we should put a parcel tax back on the ballot.*
 - ii) *Both John Mendel and Roger Curry commented that we learned a great deal and should be able to promote it better this time around.*
 - iii) *Carole Schilz commented that the consulting group thought it might be too soon to put a parcel tax back on the ballot. They recommended a community survey first. Carole explained that a survey accomplishes two things: 1) you get feedback, and 2) it educates the public at the same time it asks for input. She also believes that we should ask the consulting group for specific strategies for increasing our chance of success.*
 - iv) *Chief Frievalt agreed and said that we did very well last time, considering the lack of marketing and community outreach. He believes we should add a line item in the budget for parcel tax consulting fees.*
 - v) *Roger Curry stated that our parcel tax had to compete with a school bond last time. If we don't have to compete, he believes that 51% of the public would vote in favor of fire protection.*
 - (1) *Jody Holl commented that most voters in this town are not property owners, but Chief Frievalt said that homeowners historically have had a higher approval rate in these types of elections.*
 - vi) *Roger Curry stated that he believed the general consensus of the Board was to look at putting a parcel tax on the ballot again, so Chief Frievalt replied that he would research consulting help.*
- b) *Board Consideration of the FDAC nomination of Chief Frievalt as Second Vice President*
 - i) *Roger Curry stated that this item doesn't require Board approval*

- ii) *Chief Frievalt replied that it does, however, take up a fair amount of time. It is a two-year commitment, with some travel, but most meetings held by conference call.*
- iii) *The general consensus of the Board was to support Chief Frievalt serving as the Vice President of FDAC*

c) Public Comments

- i) *Michael Payne advised the Board to do their research. He would not like to see the good will of MLFD destroyed by pushing a tax that the public doesn't want. He suggested MLFD research the strategies that schools employ to get bond measures passed. He also suggested investing in a lot of community outreach so that community members understand and respect what we want to do with the money.*

9) REPORTS, REQUESTS, AND COMMUNICATIONS FOR BOARD REVIEW – *None*

10) DISTRICT CHIEF COMMENTS

- a) Review of Western Fire Chief's Association Policy Team – *Chief Frievalt discussed. Audio tape is available for Board review.*
 - i) Policy Sections (Pre-event, Event, Post-event, Technology, Insurance)
 - ii) Paradise Fire Field Trip 1/21/2019 – 1/23/2019
 - iii) Review of IAFC/WFCA Wildland Meeting on 3/26/2019
 - iv) President's Forum 5/13/2019 – 5/15/2019
- b) CalPERS Pension Liability Fund Goals – *Chief Frievalt discussed. Audio tape is available for Board review.*
 - i) Recommend 80% funded status
 - ii) Recommend total unfunded accrued liability (UAL) not to exceed 100% of annual operating budget
- c) Resource Ordering and Status System Training in San Marcos (4/8/2019 – 4/12/2019) – *Chief Frievalt explained that he attended a training that focused on administration of a resource management system. The program covered topics such as resource tracking and billing. Chief Frievalt also commented that it will be more difficult to qualify for reimbursement when the current contract/agreement changes.*

11) BOARD MEMBER COMMENTS

- a) Review of the FDAC Conference
 - i) *Roger Curry and Carole Schilz attended the conference with Chief Frievalt.*
 - ii) *Among other sessions, Roger Curry attended an interesting seminar on the Brown Act, with a specific focus on how to hire new personnel. He complimented Chief Frievalt on coordinating Caroline Sanderson's recruiting/hiring so professionally.*
 - iii) *The seminar also defined Board member responsibilities.*
 - (1) *Roger Curry suggested we put together an onboarding pamphlet for new Board members.*
 - (2) *Rick Liebersbach suggested modeling the document after a larger district's.*
 - (3) *Carole Schilz also mentioned that there is a template for such a document on the Special Districts of California website that can be tailored specifically for MLFD.*
 - (4) *Chief Frievalt suggested that it also contain some information about the Mammoth Lakes community.*
 - (5) *Carole Schilz said it should also contain details about the Brown Act.*

iv) Carole Schilz also attended a session that covered rules of order for Board meetings.

12) LEGAL COUNSEL ADVICE

- a) Review of District's Liability for Training on "Shelter in Place"
 - i) Rick Liebersbach stated that we're in uncharted territory with regards to training the public on Shelter in Place.
 - ii) He also stated that the California legislature gives limited immunity to almost all government agencies for just about everything, unless there is proven negligence. However, fire districts are given immunity for everything that falls under the act of firefighting.
 - iii) This brings up the question of whether Shelter in Place would fall under the umbrella of "firefighting." With CPR training, fire districts are immune from liability because the government doesn't want to discourage training the public to perform CPR during an emergency.
 - iv) Rick Liebersbach also commented on his father-in-law's experience as a fire captain when he didn't evacuate during the Simi Valley fires. He discussed the intense heat, wind and lack of oxygen that only a firefighter is trained to withstand. He feels that the public underestimates the conditions during an intense fire.
 - v) Rick Liebersbach said that as MLFD's attorney, he would not recommend advocating for training members of the community on Shelter in Place. "You don't want to be the test case," he said, "If you encourage people to stay and they don't make it, there will be a host of litigation that follows."
 - (1) Rick did suggest that if the state legislature would amend the CPR training code section to include Shelter in Place, then he would consider supporting training the Mammoth Lakes community. However, he wasn't hopeful we would see that code changed any time soon.
 - (2) Rick also believes that someone who decides to shelter in place risks the lives of firefighters. He doesn't think that's right. Roger Curry agrees with that; however, he restated that he believed that there would be a certain number of people who don't evacuate. Rick Liebersbach likened the scenario to the residents who stayed in their homes during the Walker River flood that had to be rescued by helicopter. It put all the helicopter pilots and personnel in danger, he said. It wasn't fair.
- b) Review of Mono County's new building and the payment of DIF to the District
 - i) Chief Frievalt stated that as a special district we should be able to impose and collect fees, but he's still waiting on a legal opinion from Liebert Cassidy Whitmore.
 - ii) Natalie commented that there is currently around \$86,000 on the table.

13) MLFPD FIREFIGHTER ASSOCIATION COMMENTS – Michael Payne had comments from the Association.

14) ANNOUNCEMENTS – None

15) ADMINISTRATIVE DUTIES

- a) Jody Holl reported that Roger Curry had been added to the ethics training.

- b) *Jody Holl also reported that the audit had been completed by Dawn Cole, and that it was available for the Board in her office or electronically.*
- c) *The next Board Meeting is scheduled for Tuesday, May 21, 2019.*
- d) *Jody Holl stated that her last day of full-time employment would be Thursday, May 2nd.*
 - i) *Chief Frievalt thanked Jody again for her many dedicated years of service, and for always being “the face of the department.”*

16) ADJOURNMENT – *The meeting adjourned at 2:00 pm.*

Commissioner signature

Date

Print Name

Commissioner signature

Date

Print Name